

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID BOURKE, )  
Plaintiff, )  
v. ) No. 22 C 3164  
DENIS McDONOUGH, Secretary, U.S. ) Judge Kennelly  
Department of Veterans Affairs, )  
Defendant. )

## **JOINT STATUS REPORT**

The parties submit the following joint status report pursuant to the court's July 12, 2023, order (Dkt. 25):

1. Fact discovery closed on August 21, 2023.

2. The parties intend to file dispositive motions.

3. The VA intends to file a motion for summary judgment and will likely ask this

court to dismiss Bourke's complaint regarding his reasonable accommodation parking spot on the grounds that the undisputed facts show that the VA (re-)engaged in the interactive process with Bourke and offered him a reasonable accommodation when it arranged for a new parking space following the VA's decision to enforce COVID-related door closures for screening purposes. The VA will also likely argue that when Bourke declined the offered reasonable accommodation (a new parking space), he was responsible for terminating the interactive process.

4. For his part, plaintiff Bourke intends to file a motion for summary judgment to show that the VA did not engage in any interactive process when plaintiff's "RA parking spot" ceased to be a reasonable accommodation when the VA closed entry doors to plaintiff's workplace.

5. The parties propose the following briefing schedule for cross-motions for summary judgment:

- Defendant's motion for summary judgment: October 13, 2023;
- Plaintiff's response and cross-motion: November 10, 2023;
- Defendant's response and reply: December 4, 2023;
- Plaintiff's reply: December 18, 2023.

6. The parties are not engaged in settlement discussions at this time.

Respectfully submitted,

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